

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL TRIAL MINUTES

The Honorable WILLIAM H. ALSUP

Date: April 26, 2012

Case No.: **C10-03561 WHA**

Case Name: **ORACLE AMERICA, INC.** v. **GOOGLE INC.**

Plaintiff's Counsel: Michael Jacobs; Dan Muino; Fred Norton; Andrew Temkin; David Boies; Ken Kuwayti
Steven Holtzman; Dorian Daley; Safra Catz (Corporate Representative)

Defendant's Counsel: Robert Van Nest; Christa Anderson; Dan Purcell; Michael Kwun; Bruce Baber
Renny Hwang; Catherine Lacavera (Corporate Representative)

Clerk: Dawn K. Toland

Court Reporter: Kathy Sullivan; Debra Pas

Trial Began: April 16, 2012

Further Trial: April 27, 2012 at 7:30 am

Trial Motions Heard:

Disposition

- | | | |
|----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |

Other:

Time in Trial: 5 hours 50 minutes

NORTHERN DISTRICT OF CALIFORNIA

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EXHIBIT and WITNESS LIST

JUDGE: WILLIAM H. ALSUP		PLAINTIFF ATTORNEY: Michael Jacobs; Dan Muino Fred Norton; David Boies; Dorian Daley Steven Holtzman; Ken Kuwayti			DEFENSE ATTORNEY: Robert Van Nest; Christa Anderson Dan Purcell; Michael Kwun Bruce Baber	
TRIAL DATE: April 26, 2012		REPORTER(S): Kathy Sullivan; Debra Pas			CLERK: Dawn Toland	
PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>7:30 am</u>			<u>Outside the presence of the jury. Court and counsel addressed the proposed jury instructions</u>	
		<u>8:04 am</u>			<u>Reconvene...jury present</u>	
					<u>Plaintiff's witness Craig Gering sworn-in. Direct by Dan Purcell</u>	
	<u>2053</u>		<u>x</u>	<u>x</u>	<u>Email: Dated October 4, 2006 from Lawrence Rau</u>	
	<u>2052</u>		<u>x</u>	<u>x</u>	<u>PowerPoint: Dated: March 18, 2009 Author Craig Gering</u>	
	<u>2061</u>		<u>x</u>	<u>x</u>	<u>Email: Dated January 21, 2009</u>	
	<u>3508</u>		<u>x</u>	<u>x</u>	<u>Email Dated October</u>	
		<u>8:25 am</u>			<u>Cross Examination by Michael Jacobs</u>	
		<u>8:27 am</u>			<u>Witness Excused</u>	
					<u>Defendant's witness Hasan Rizvi sworn-in. Direct by Dan Purcell</u>	
	<u>573</u>		<u>x</u>	<u>x</u>	<u>Email from Federico Chab to Hasan Rizvi re Can you call me on my cell</u>	
	<u>2110</u>		<u>x</u>	<u>x</u>	<u>Email: Dated December 9, 2008 from Hasan Rizvi to Adam Messinger</u>	
		<u>8:40 am</u>			<u>Side Bar</u>	
		<u>8:42 am</u>			<u>Direct Continued</u>	
		<u>8:46 am</u>			<u>Cross Examination by Fred Norton</u>	
<u>2110</u>			<u>x</u>	<u>x</u>	<u>Email: Dated December 9, 2008 from Hasan Rizvi to Adam Messinger</u>	
		<u>8:51 am</u>			<u>Witness Excused</u>	
		<u>8:51 am</u>			<u>Recess</u>	

					<u>Outside the presence of the jury. Exhibits 3529 and 3530 are admitted. Counsel shall file the time line and glossary handouts given to the jury.</u>
		<u>8:55 am</u>			<u>Recess</u>
		<u>9:17 am</u>			<u>Outside the presence of the jury. Court addressed counsel regarding the issue of a juror not feeling well. Court read the deposition designations by Oracle are overruled</u>
		<u>9:20 am</u>			<u>Reconvene...jury present</u>
					<u>Defendant's witness Jonathan Schwartz sworn-in. Direct by Robert Van Nest</u>
	<u>435</u>		<u>x</u>	<u>x</u>	<u>Email from Jonathan Schwartz to Eric Schmidt</u>
	<u>3441</u>		<u>x</u>	<u>x</u>	<u>Email: Dated November 9, 007 from Jonathan Schwartz</u>
	<u>2352</u>		<u>x</u>	<u>x</u>	<u>Blog</u>
	<u>2358</u>		<u>x</u>		<u>Blog Entry: dated May 2, 2008 Source: Engadget Mobile</u>
	<u>3529</u>		<u>x</u>	<u>x</u>	<u>Copyright Office Registration</u>
	<u>3530</u>		<u>x</u>	<u>x</u>	<u>Copyright Office Registration</u>
	<u>3103</u>		<u>x</u>	<u>x</u>	<u>Eric Klein - Android Demo - JavaOne</u>
	<u>2707</u>		<u>x</u>		<u>Presentation; Dated October 24, 2008: Author Patrick Curran & Conformance Council</u>
		<u>10:20 am</u>			<u>Cross Examination by Michael Jacobs</u>
<u>18</u>			<u>x</u>	<u>x</u>	<u>Email from Greg Stein to Andy Rubin re the open J2ME project</u>
<u>2707</u>			<u>x</u>		<u>Presentation; Dated October 24, 2008: Author Patrick Curran & Conformance Council</u>
<u>917</u>			<u>x</u>	<u>x</u>	<u>Open Letter to Sun Microsystem</u>
<u>1045</u>			<u>x</u>	<u>x</u>	<u>Apache Software Foundation</u>
<u>563</u>			<u>x</u>	<u>x</u>	<u>Email from Jonathan Schwartz Scott McNealy re plane</u>
<u>565</u>			<u>x</u>	<u>x</u>	<u>Email from Lino Persi to Leo Cizek re Google's Mobility Push</u>
<u>1056</u>			<u>x</u>	<u>x</u>	<u>Email Dated 3/26/08 from Jonathan Schwartz</u>
<u>1057</u>			<u>x</u>		<u>Email Dated 5/6/08 from Jeannette H re JavaOne 2008</u>
<u>530</u>			<u>x</u>		<u>Email from Vineet Gupta to Jeet Kaul and Eric Klein</u>
<u>2070</u>			<u>x</u>	<u>x</u>	<u>Email: Dated October 23, 2008 from Vineet Gupta</u>
<u>205</u>			<u>x</u>	<u>x</u>	<u>Email from Scott McNealy to Eric Schmidt re potential Sun Google</u>
		<u>10:58 am</u>			<u>Redirect Examination</u>
	<u>2707</u>		<u>x</u>	<u>x</u>	<u>Presentation; Dated October 24, 2008: Author Patrick Curran & Conformance Council</u>

	<u>2341</u>		<u>x</u>	<u>x</u>	<u>Press Release: Dated May 9, 2007Source Physorg.com</u>
	<u>2195</u>		<u>x</u>	<u>x</u>	<u>Email; Dated March 4, 2008 From Jonathan Schwartz</u>
	<u>1055</u>		<u>x</u>	<u>x</u>	<u>Email: Dated November 12, 2007 from Jonathan Schwartz</u>
		<u>11:05 am</u>			<u>Recross Examination</u>
<u>2371</u>			<u>x</u>	<u>x</u>	<u>Email Dated November 6, 2007 from Jonathan Schwartz to John Markoff</u>
		<u>11:07 am</u>			<u>Witness Excused</u>
					<u>Recess</u>
		<u>11:25 am</u>			<u>Reconvene...jury present</u>
					<u>Plaintiff's Rebuttal Witness Scott McNealy sworn-in. Direct by David Boies</u>
<u>610.1</u>			<u>x</u>	<u>x</u>	<u>Java 2 Platform Standard Edition Development Kit 5.0</u>
<u>205</u>			<u>x</u>	<u>x</u>	<u>Presentation; Dated October 24, 2008: Author Patrick Curran & Conformance Council</u>
<u>16</u>			<u>x</u>	<u>x</u>	<u>Email from Vineet Gupta to Jonathan Schwartz</u>
<u>563</u>			<u>x</u>	<u>x</u>	<u>Email from Jonathan Schwartz Scott McNealy re plane</u>
<u>565</u>			<u>x</u>	<u>x</u>	<u>Email from Lino Persi to Leo Cizek re Google's Mobility Push</u>
		<u>11:58 am</u>			<u>Cross Examination by Robert Van Nest</u>
		<u>12:08 pm</u>			<u>Redirect Examintion</u>
		<u>12:09 pm</u>			<u>Witness Excused</u>
					<u>Defendant's witness Professor Owen Astrachan sworn-in. Direct by Bruce Babers</u>
	<u>2524</u>		<u>x</u>	<u>x</u>	<u>CV of Professor Astrachan</u>
	<u>980</u>		<u>x</u>	<u>x</u>	<u>Java Application Programming Interface, Volume1</u>
	<u>981</u>		<u>x</u>	<u>x</u>	<u>Java Application Programming Interface, Volume 2</u>
	<u>2523</u>		<u>x</u>		<u>Opening Expert Report of Google Copyright Expert</u>
	<u>2529</u>		<u>x</u>		<u>Rebuttal Expert Report of Google Copyright Expert</u>
	<u>2532</u>		<u>x</u>		<u>Google Reply to Dr. John C. Mitchell's Opposition</u>
	<u>3523</u>		<u>x</u>		<u>Declaration of Owen Astrachan</u>
		<u>12:48 pm</u>			<u>Recess</u>
		<u>1:01 pm</u>			<u>Outside the presence of the jury. Charging conference shall be held on 4/27 at 2:15 pm. Parties shall submit responses to the jury instructions tonight.</u>
		<u>1:20 pm</u>			<u>Recess until 4/27/12 at 7:30 am</u>